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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Poland

1. At its 1222nd and 1223rd meetings, held on 7 and 8 August 1997, the Committee on the Elimination of Racial Discrimination considered the thirteenth and fourteenth periodic reports of Poland (CERD/C/299/Add.10) and adopted, at its 1235th and 1236th meetings, held on 18 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Government of Poland, which generally follows the guidelines and contains information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the supplementary information given to it during the consideration of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the detailed answers given orally to the questions raised by members.

3. The Committee notes with satisfaction the commitment of the State party to make shortly the declaration under article 14 of the Convention recognizing the Committee's competence to examine complaints of persons who claim to be victims of violation by the State party of the rights set forth in the Convention.

B. Factors and difficulties impeding the implementation of the Convention

4. The economic changes that are still taking place in Poland may affect the full enjoyment of economic, social and cultural rights, especially of those belonging to minority groups.

C. Positive aspects

5. The recent adoption by the National Assembly of the State party of a new Constitution, which will enter into force on 17 October 1997, under which the Convention will be directly applicable by the courts is noted with interest. It is also noted that a new Penal Code, a Code of Criminal Procedure and a Code of Execution of Penalties have been adopted and will all enter into force on 1 January 1998.

6. The measures taken by the competent authorities of the State party in recent cases of incitement to racial hatred are welcomed. The work of the Ombudsman in relation to the promotion and protection of human rights is also a positive development.

7. The efforts undertaken by the State party to protect minorities are welcomed. In this regard, the bilateral treaties, which include specific provisions of protection against racial discrimination and guarantees of equal rights with regard to minorities, that have been signed with neighbouring countries, are an encouraging development. It is also noted with satisfaction that the Act on the Elections to the Sejm of 28 May 1993 provides measures for promoting minority rights in the electoral process.

8. The agreement on relations between the State and the three main Churches adopted on 20 February 1997 is welcomed, as well as the agreement between the State and the Jewish communities of Poland in which, inter alia, the State recognizes their ownership rights with respect to the property which belonged to those communities on 1 September 1939 and was taken over by the State after the Second World War.

D. Principal subjects of concern

9. Despite the written and oral information provided by the Polish representative, regarding the self-executing character of the Convention in domestic law, concern is expressed at the absence of specific legislative measures to enforce some of its provisions.

10. It is noted with concern that several serious acts of violence relating to racial discrimination have taken place in the State party during the period under review, targeting especially Jews and Roma minorities.

11. Concern is expressed at the insufficient legal framework from declaring illegal and prohibiting non-political groups and associations which disseminate ideas based on racial superiority or hatred, incitement to racial discrimination as well as acts of violence or incitement to such acts against any race or group of persons.

12. With regard to the implementation of article 5 of the Convention, concern is expressed that the rights to work and housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

13. It is noted with concern that, despite evident efforts made by the authorities, children belonging to minority groups do not always have access to education in their own language.

E. Suggestions and recommendations

14. The Committee suggests that the State party fully clarify in its next periodic report the status of the International Convention on the Elimination of All Forms of Racial Discrimination in relation to domestic law. Additionally, it would welcome in the next report examples of court decisions relating to this matter, if any are available.

15. With regard to non-political groups and associations which disseminate ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons, the Committee recommends that the State party take all measures required under the Convention to prohibit their existence.

16. With regard to statistical information on minorities, the Committee suggests that the State party take all appropriate measures to compile more precise information and include such data in the next periodic report.

17. The Committee recommends that the State party also take measures more fully to guarantee economic, social and cultural rights, as defined in article 5 (e), for minority groups, including the rights to work and to housing, and that it include more comprehensive information in its next periodic report on the implementation of the provisions of article 5 (e). The Committee also recommends that the State party adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

18. While acknowledging the recent efforts made by the State party in this regard, the Committee recommends that the authorities increase their efforts to give children belonging to minorities fuller access to education in their own language. It also recommends that the authorities take appropriate measures to meet the specific educational needs of Roma children.

19. The Committee recommends that the next report contain detailed information regarding prosecutions for acts of racial discrimination.

20. The Committee recommends that the State party ensure the wide dissemination of its report and of the concluding observations of the Committee.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the fourteenth meeting of States parties.

22. The Committee recommends that the State party's next periodic report be an updating report and address the concerns expressed by the Committee.